

PETER J. KURSHAN (PK-6946)
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAISIIN BETHEA, FREDDIE GONZALEZ, JASON
GUISHARD, OMAR HARRIS, ALEX MASS, and
RODNEY VANTERPOOL, individually,

Plaintiffs,

-against-

EQUINOX FITNESS CLUB, EQUINOX
HOLDINGS, INC., THE EQUINOX GROUP, INC.,
EQUINOX COLUMBUS CENTRE, INC.,
BROADWAY EQUINOX, INC., EQUINOX 63RD
STREET, INC., EQUINOX WALL STREET, INC.,
EQUINOX GREENWICH AVENUE, INC.,
EQUINOX TRIBECA INC., DENISE BERG,

Defendants.

No. 07 Civ. 2018 (JSR) (DCF)

AFFIDAVIT

STATE OF NEW JERSEY)
 : ss:
COUNTY OF ESSEX)

PETER J. KURSHAN, being duly sworn, deposes and says:

1. I am a member of the law firm of Herzfeld & Rubin, P.C., attorneys for
plaintiffs. In such capacity, I am fully familiar with the facts and circumstances set forth herein.
I make this affidavit in opposition to defendants' motion to dismiss.


2. Annexed hereto as Exhibit "A" is a true and correct copy of defendants' Notice of Removal.

3. Annexed hereto as Exhibit "B" are copies of the Court's decisions in Luten v. Daily News, L.P., 2000 U.S. District Lexis 3896 (S.D.N.Y. 2000) and Baker v. National Railroad Passenger Corp., 1994 U.S. Dist. Lexis 18275 (S.D.N.Y. 1994).

4. Annexed hereto as Exhibit "C" are copies of the Court's decisions in Dunlop v. The City of New York, 2006 U.S. Dist. Lexis 72315 (S.D.N.Y. 2006) and Mendez v. Roman, 2006 U.S. Dist. Lexis 4450 (D. Conn. 2006).


Peter J. Kurshan

Sworn to before me on
April 16, 2007.


Notary Public
LISA M. SANTANA
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 12/7/2009